

From: [Delgado, Paige](#)
To: [Webster, Susan](#); [Malone, George](#)
Cc: [Fife, Greg](#); [John Porter](#); [Quinones, Edwin](#)
Subject: EXPLO Update - JAG Attorney for LANG
Date: Wednesday, February 06, 2013 1:32:44 PM

I just got off the phone with Col. John Dunlap, JAG for Louisiana Army National Guard. He is working with Dirk Thibodeaux (LANG Attorney working on EXPLO). He confirmed that an official letter was submitted to the Secretary of the Army yesterday from LANG (on behalf of the State of Louisiana) requesting assistance from DOD to transport and store the 3.7 million lbs of M6 Propellant to (2-3) arsenals under DOD. He clarified that this request also included the Exception to 10 U.S.C. 2692 for storage of "Non-DOD materials" at a DOD installation. He said this request was made at the direction of his General and after several conversations between LANG, The Governor's Office of Louisiana, and DOD. He said he felt confident that their request would not be denied.

He also stated that they are holding EXPLO responsible and stated that this was "not our (LANG) problem," but was doing LSP a favor by mitigating a public health threat. If EXPLO does not relinquish possession of the M6 propellant, Col. Dunlap is prepared to enlist the help of a bankruptcy firm to force EXPLO into bankruptcy for non-payment of debts (LANG is a creditor to EXPLO (back rent)). The materials owned by EXPLO will then become the responsibility of the U.S. Trustees office, who will sell the material to commercial vendors.

Col. Dunlap said he did not see any role for EPA, with the exception of monitoring the situation and felt we could "close our file" on EXPLO once the M6 Propellant was secured. I told him that was not the case, since additional hazardous materials at the site may require action by the EPA. I did not go into LANG liability as a property owner at that time because I did not think there was anything to gain from it. I did tell him that our interest is assisting the State of Louisiana in any way we can to completing operations at EXPLO.

Paige Delgado

Federal On-Scene Coordinator
U.S. EPA Region 6 (GSF-PO)
Prevention and Response Branch
1445 Ross Avenue, Suite 1200
Dallas, TX 75202
Office: 214.665.2724
Cell: 469.371.2529
NRC: 1.800.424.8802